



February 20, 2004

ENGROSSED SENATE BILL No. 34

DIGEST OF SB 34 (Updated February 12, 2004 11:54 am - DI 105)

Citations Affected: IC 35-47.

Synopsis: Disclosures related to airline baggage. Provides that a person who: (1) checks luggage on a commercial passenger airline knowing the luggage contains a dangerous device; and (2) knowingly or intentionally fails to disclose in writing to an airline that the person is transporting a dangerous device in the checked luggage; commits a Class D felony.

Effective: July 1, 2004.

Zakas, Broden, Young R Michael
(HOUSE SPONSORS — DVORAK, FOLEY, SCHOLER)

November 18, 2003, read first time and referred to Committee on Rules and Legislative Procedure.

December 5, 2003, amended; reassigned to Committee on Criminal, Civil and Public Policy.

January 8, 2004, amended, reported favorably — Do Pass.

January 13, 2004, read second time, ordered engrossed. Engrossed.

January 20, 2004, read third time, passed. Yeas 46, nays 1.

HOUSE ACTION

February 4, 2004, read first time and referred to Committee on Courts and Criminal Code.

February 19, 2004, amended, reported — Do Pass.

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ES 34—LS 6080/DI 13+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 34

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-6-1.1 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 1.1. (a) As used in this section, "dangerous device"**
4 **means:**

- 5 (1) a firearm;
6 (2) an explosive;
7 (3) a destructive device (IC 35-47.5-2-4); or
8 (4) a weapon of mass destruction (IC 35-41-1-29.4).

9 **(b) A person who checks an item for carriage on a commercial**
10 **passenger airline and who:**

- 11 (1) knows the item contains a dangerous device; and
12 (2) knowingly or intentionally fails to disclose orally or in
13 writing to the person to whom possession of the item is
14 delivered for carriage that the item contains a dangerous
15 device;

16 **commits undisclosed transport of a dangerous device, a Class D**
17 **felony.**

ES 34—LS 6080/DI 13+



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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 34, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Criminal Civil and Public Policy.

(Reference is to SB 34 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Mr. President: I move that Senator Broden be added as second author of Senate Bill 34.

ZAKAS

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COMMITTEE REPORT

Madam President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 34, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 6, delete "or".

Page 1, line 7, delete "a device that could:" and insert "**a destructive device (IC 35-47.5-2-4); or**

(4) a weapon of mass destruction (IC 35-41-1-29.4).".

Page 1, delete lines 8 through 10.

Page 1, line 14, after "disclose" insert "**in writing**".

and when so amended that said bill do pass.

(Reference is to SB 34 as printed December 8, 2003.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 34, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "knowingly or intentionally:" and insert **"checks an item for carriage on a commercial passenger airline and who:"**.

Page 1, line 10, delete "checks an item for carriage by a commercial passenger" and insert **"knows the item contains a dangerous device; and"**.

Page 1, delete line 11.

Page 1, line 12, delete "does not" and insert **"knowingly or intentionally fails to"**.

Page 1, line 12, after "disclose" insert **"orally or"**.

and when so amended that said bill do pass.

(Reference is to SB 34 as printed January 9, 2004.)

DVORAK, Chair

Committee Vote: yeas 13, nays 0.

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